

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES N. BARNEY #574515,

Plaintiff,

v.

CORRECTIONAL MEDICAL SERVICES, INC.,
CHRISTINE MEYER, D.O.,
CRAIG HUTCHINSON, M.D., and
BRENDAN SHERRY, P.A.,

Defendants.¹

Case No. 1:08-cv-694

HON. PAUL L. MALONEY

Magistrate Joseph G. Scoville

OPINION and ORDER

Adopting the Report and Recommendation Without Objection:

Dismissing all Claims Against the State Defendants With Prejudice;

Dismissing all Claims against the Doe Defendants Without Prejudice

Pursuant to 28 U.S.C. § 636 and W.D. MICH. LCivR 72.2(b), this matter was referred to the Honorable Joseph G. Scoville, United States Magistrate Judge, who issued a Report and Recommendation (“R&R”) dated September 29, 2009 and filed September 30, 2009. The time for the plaintiff to file objections has long since elapsed, and he has neither filed objections nor sought an extension of time in which to do so. Accordingly, the court adopts the well-reasoned R&R without discussion.

¹The other defendants are dismissed from the case by today’s opinion, so they are no longer listed in the caption.

ORDER

The Report and Recommendation [doc. # 51] is **ADOPTED** without objection.²

The complaint is **DISMISSED *with prejudice*** as to these five defendants in both their official and individual capacities:

- Carmen Palmer
- Julie Saladin
- David DeGraaf
- Haresh Pandya, M.D.
- George Pramstaller, M.D.

Pursuant to FED. R. CIV. P. 4(m), the complaint is **DISMISSED *without prejudice*** as to the John Doe and Jane Doe defendants.

This is not a final and immediately-appealable order, because the complaint remains pending as to four defendants: CMS, Hutchinson, Mayer, and Sherry.

IT IS SO ORDERED this 3rd day of November 2009.

/s/ Paul L. Maloney
Honorable Paul L. Maloney
Chief United States District Judge

²

Because the court adopts the R&R's recommendation to dismiss the claims against the five "State Defendants" *with prejudice*, *see* R&R at 2-3, it does not adopt the alternative recommendation to dismiss almost all of the claims against these same defendants *without prejudice* due to plaintiff's failure to exhaust administrative remedies, *see id.* at 3.